

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01605-MSK-CBS

TERRENCE M. FARRELL, III,
Plaintiff,
v.

GREG KELLERMEYER,
CITY AND COUNTY OF DENVER, CO., and
CHRISTIAN STOB,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on (1) the “Motion to Introduce Exhibits into Evidence”, (2) the “Motion for Assistance with Service of Process”, and (3) the “Motion for Appointment of Coun[sel]” Pursuant to the Order Referring Case dated January 28, 2014 (Doc. # 42) and the memoranda dated September 23, 2015 (Doc. # 175), October 30, 2015 (Docs. # 190 and # 191), and November 2, 2015 (Doc. # 192), these matters were referred to the Magistrate Judge. The court has reviewed the Motions and the entire case file and is sufficiently advised in the premises.

1. Mr. Farrell moves to “introduce . . . into evidence . . . requests for medical attention gone unanswered by the Defendant and members of medical staff under the direction of Defendant.” Mr. Farrell’s documents have been accepted and filed as exhibits. However, “introduce[ing] exhibits into evidence” must be governed by the Federal Rules of Evidence at a later, appropriate time in the case.

2. Mr. Farrell seeks to use the court's transmission facilities to make service under Rule 5(b)(2)(E). The Local Rules of Practice for the United States District Court for the District of Colorado, D.C. COLO LCivR 5.1(d), state that "[w]hen a pleading or document is filed in CM/ECF, it is served electronically under Fed. R. Civ.P. 5." Mr. Farrell need not file a motion for permission to sue the court's transmission facilities with each of his filings.

3. Mr. Farrell makes his fifth request for appointed counsel. (See Docs. # 15, # 27, # 50, 143; see *also* Docs. # 16, # 28, # 54, # 151 (orders denying Mr. Farrell's previous requests for appointed counsel)). His concern that he "cannot safely go to trial without the appointment of coun[sel]" (see Doc. # 187 at 2 of 2) is premature, as no trial date has been set. For the reasons previously stated, Mr. Farrell's "Motion for Appointment of Coun[sel]" is denied.

Accordingly, IT IS ORDERED that:

1. Mr. Farrell's "Motion to Introduce Exhibits into Evidence" (filed September 22, 2015) (Doc. # 172) is DENIED IN PART. The introduction of exhibits into evidence must be governed by the Federal Rules of Evidence at a later, appropriate time in the case.

2. Mr. Farrell's "Motion for Assistance with Service of Process"(filed October 28, 2015) (Doc. # 185) is DENIED as unnecessary.

3. Mr. Farrell's "Motion for Appointment of Coun[sel] . . ." (filed October 29, 2015) (Doc. # 187) is DENIED.

4. Mailings to Mr. Farrell have been returned as undeliverable. (See Docs. # 182, # 179). Mr. Farrell is reminded that it is his responsibility to update his current address in

each of his cases. See D.C.Colo.LAttR 5(c) (requiring that any change of address or other contact information be filed with the court no later than five days after the change).

Dated at Denver, Colorado this 2nd day of November, 2015.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge